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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,268	02/12/2004	Abbas Lamouri	ADV08 013 CIP US	4864

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DUANE MORRIS LLP
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EXAMINER

PATEL, ASHOK

ART UNIT	PAPER NUMBER
2879	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,268

Applicant(s)

LAMOURI ET AL.

Examiner

Ashok Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 25-28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-19 and 21-24 is/are allowed.
- 6) ☒ Claim(s) 1-9, 12 and 20 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Applicant's election with traverse of Group I, claims 1-24, in the reply filed on 09/06/2005, is acknowledged. The traversal is on the ground(s) product claim 2 specifies the neodymium oxide dopant although not recited specifically in claim 1. The Examiner acknowledges that the product claim 2 does recite the neodymium oxide dopant. However, product claim 1 does not recite or require the neodymium oxide dopant. Accordingly, the Examiner's has satisfied that groups I and II are distinct. Although the search required for group I and II may be same, the Examiner has established the requirement of distinctness among groups I and II in the previous office action.

The requirement is still deemed proper and is therefore made FINAL. Claims 25-28 are withdrawn from consideration. An action on merits including claims 1-24 appears below.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international

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application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Karpen (USPN 5,961,208).

As to claim 1, 2 and 8, Karpen disclose applicant's claimed lamp (1, Figures 1-2) including an arc tube (3) containing a light emitting plasma, and filter containing vitreous material of neodymium oxide (abstract; col. 7, lines 58-67; col. 8, lines 37-40; col. 9, lines 13-17; col. 10, line 27) for absorbing or rejecting at least a portion of the light emitted from said plasma in the visible spectrum.

As to claims 3 and 4, the filter disclosed by Karpen would absorb or reflect light in a narrow wavelength band (substantially centered at 580nm) in the visible spectrum since it is made of neodymium oxide as claimed by applicant. In other word, it is the intrinsic property of neodymium oxide material of the lamp, causing absorption or reflection of the light in the narrow wavelength band in the visible spectrum.

As to claim 9, the neodymium oxide filter forms reflector since neodymium oxide includes intrinsic property of reflecting the light.

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4. Claims 1-5, 8, 9 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Scott et al (USPN 6,294,871).

As to claims 1-5 and 8 Scott et al disclose applicant's claimed lamp (at least Figure 1) including an arc tube (10) containing a light emitting plasma, and filter containing vitreous material of neodymium oxide or cerium oxide (abstract; col. 4, at least col. 4, lines 53-63) for absorbing or rejecting at least a portion of the light emitted from said plasma in the visible spectrum.

Further, as to claims 3, 4, the filter disclosed by Karpen would absorb or reflect light in a narrow wavelength band (substantially centered at 580nm) in the visible spectrum since it is made of neodymium oxide as claimed by applicant. In other word, it is the intrinsic property of neodymium oxide material of the lamp, causing absorption or reflection of the light in the narrow wavelength band in the visible spectrum.

As to claim 9, the neodymium oxide or cerium oxide filter forms reflector since neodymium oxide cerium oxide includes intrinsic property of reflecting the light.

Further, as to claim 12, since the lamp of Karpen includes applicant's claimed light emitting plasma material and filter material, Karpen's lamp would be able to provide color rendering

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index of the transmitted light greater than the color rendering index of the light emitted from the plasma.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 6, 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott et al, in view of Van Vliet et al.

As to claims 6, 7 and 20, Scott et al do not disclose the lamp including the filter forming: a protective shroud or an outer jacket or a notched filter, as claimed by applicant. However, providing a separate filter would have been obvious to one of ordinary skill in the art for adding protection to the

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arc tube in case of accidental explosion while filtering the light emitted from arc tube.

Van Vliet et al, in the same field of endeavor, is cited for showing the feature of a filter in the form of shroud for adding protection to the arc tube in case of accidental explosion while filtering the light emitted from arc tube.

In light of this, it would have been obvious to one of ordinary skill in the art to provide Scott et al's lamp including the filter as suggested by Van Vliet et al enclosing the arc tube for added protection to the arc tube in case of accidental explosion while filtering the light emitted from arc tube.

7. Claims 10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 10 and 11, prior art of the record does not disclose or teach applicant's claimed lamp of *entire claim 1* including the plasma containing sodium and scandium and the dopant containing neodymium oxide.

8. Claims 13-19 and 21-24 are in the condition for allowance since none of the prior art of the record disclose applicant's

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claimed: (1) high intensity discharge lamp of claims 13-19 having a vaporizable fill material including halides of sodium and scandium and a filtering material including a vitreous material containing neodymium oxide; or (2) a method of increasing the color rendering index of the light in a lamp having a light emitting plasma containing halides of sodium and scandium, as recited in claim 21-24, the method including the step of filtering a substantial portion of the light emitted from the plasma with a filter formed from a vitreous material containing neodymium oxide.

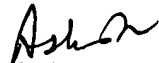
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok Patel whose telephone number is 571-272-2456. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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Ashok Patel
Primary Examiner
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